

REMARKS

INTRODUCTION

With this Amendment, claims 1 and 2 have been amended and claims 5-13 have been cancelled. Therefore, claims 1-4 are currently pending and under consideration.

ENTRY OF RESPONSE UNDER 37 §1.116

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) the rejected claims 5 and 6 have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the amendment of claims 1 and 2 puts this application into condition for allowance;

(c) the amendments of claims 1 and 2 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures ("MPEP") sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The MPEP further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REQUEST FOR ENTERING INFORMATION DISCLOSURE STATEMENT ("IDS") FILED

An IDS was filed on January 19, 2009 as a result of an Office Action issued on October 21, 2008 in the corresponding Japanese Patent Application No. 2005-504767. Applicants request that the documents in this IDS be considered and initialed.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

In this Office Action, at item 3, claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Otomo (JP 2000-011448) ("**Otomo**").

The Examiner asserts that **Otomo** discloses a substrate that uses biodegradable materials, and a base material that is inherently non-hydrophilic. The Examiner also considers the response filed on August 12, 2008 not persuasive.

With this Amendment, the subject matter in canceled claim 5 is now added to amended claim 1. As a result, amended claim 1 now also recites a "release layer" that is between the "substrate" and the "recording layer." This amendment is supported by the description in the specification, for example, in paragraphs such as those from page 16, lines 11-19 of the originally filed application. One of the purposes of the release layer is to allow the "substrate," the "recording layer" and the "printing layer" to be separated from each other, thereby allowing disposal according to the material of each layer and making it possible to reduce the effects on the environment (Application, page 21, lines 17-21).

Otomo does not disclose any "release layer" as recited in amended claim 1 of the application. **Otomo** only discloses a "substrate" and a "recording layer" (**Otomo**, FIGS. 2 and 3). Therefore, amended claim 1 is different from **Otomo** and is novel over **Otoma**.

Otomo does not teach or suggest any "release layer" as recited in amended claim 1 of the application. Therefore, one having ordinary skill in the art would not have been prompted by the teachings in **Otomo** to add a "release layer" to the optical recording media in order to arrive at the invention according to amended claim 1 of the application.

Therefore, amended claim 1 is not obvious over **Otomo**. Together with the conclusion on novelty noted above, amended claim 1 is patentable over **Otomo**.

Matsuishi does not disclose any "release layer" as recited in amended claim 1 of the application. **Matsuishi** only discloses a substrate, a recording layer, a reflective layer, a protective layer, and an ink-receiving layer (**Matsuishi**, Abstract, lines 1-6). Therefore, amended claim 1 is different from **Matsuishi** and is novel over **Matsuishi**.

Matsuishi does not teach or suggest any "release layer" as recited in amended claim 1 of the invention. **Matsuishi** only teaches about the disposing of the "protective layer" either (a) by combining it with the "ink-receiving layer" or (b) by combining it with another "protective layer" (**Matsuishi**, column 19, lines 49-63). However, **Matsuishi** is silent about the use of a "release

layer” to potentially achieve separating different layers. Therefore, one having ordinary skill in the art would not have been prompted by the teachings in **Matsuishi** to add a “release layer” to the printable optical recording medium in order to arrive at the invention according to amended claim 1 of the application.

Therefore, amended claim 1 is not obvious over **Matsuishi**. Together with the conclusion on novelty noted above, amended claim 1 is patentable over **Matsuishi**.

Ota does not disclose any “release layer” between the “substrate” and the “recording layer” as recited in amended claim 1 of the application. **Ota** only discloses a film for exfoliation between the “recording layer” and the “reflecting layer” (**Ota**, FIG. 1). Therefore, amended claim 1 is different from **Ota** and is novel over **Ota**.

Ota does not teach or suggest any “release layer” between the “substrate” and the “recording layer” as recited in amended claim 1 of the application. **Ota** only teaches a film for exfoliation between the “recording layer” and the “reflecting layer.” Also, **Ota** only teaches a “peeling operation hole” (component 7), which is a stoma that penetrates the “recording layer” (component 3) from the “substrate” (component 2) and reaches the film (component 6) for exfoliation (**Ota**, paragraph [0018], lines 3-5, see also FIG. 2). Furthermore, **Ota** teaches that an instrument (component 8), such as a wire, a thin stick, or a clip, is “put in the peeling operation hole” (component 7), then the film for exfoliation is thrust up at the tip of the “instrument” (component 8) while the substrate (component 2) is held and therefore the protective layer (component 5), the reflective layer (component 4) and the film (component 6) are removed from the recording layer (component 3) and the substrate (component 2) (**Ota**, paragraph [0019], lines 2-4, see also FIG. 3). Please find FIGS. 2 and 3 of **Ota** in Supplement A, which contains the Japanese version of **Ota**.

Ota only teaches or suggests that it is necessary to provide the “peeling operation hole” (component 7), as shown in FIGS. 2 and 3, such that the “instrument” (component 8) is inserted into the “peeling operation hole” (component 7) in order to lift the “reflective layer” (component 4) and the “protective layer” (component 5) above the “release layer” (component 6), thereby removing the “reflective layer” (component 4) and the “protective layer” (component 5) from the “recording layer” (component 3). **Ota** does not teach how to remove the “recording layer” from the “substrate.”

In contrast, the “release layer” recited in amended claim 1 of the application is provided between the “substrate” and the “recording layer,” so the “release layer” is near to the surface of

the optical disk and can facilitate the separation between the "substrate" and the "recording layer." As a result, the location of the "release layer" according to amended claim 1 makes the separation of the "substrate" and the "recording layer" easy to perform. Therefore, it is not necessary for the invention according to amended claim 1 of the application to provide for a "peeling operation hole" (component 7) as in **Ota**. Additional advantages according to amended claim 1 of the application include: (a) there is no need to use "the instrument" (component 8) in **Ota**; and (b) there are no potential troubles due to the presence of the "peeling operation hole" (component 7) in **Ota** such as contaminants, water vapor, or gas, that can negatively affect the recording or reproduction of the optical disk.

Therefore, one having ordinary skill in the art would not have been prompted by the teachings of **Ota** to: (a) remove the "peeling operation hole" (component 7) in **Ota**; (b) remove the "instrument" (component 8) in **Ota**; and (c) change the location of the "release layer" from the being in between the "recording layer" and the "reflective layer" to being in between the "substrate" and the "recording layer."

Therefore, amended claim 1 of the application is not obvious over **Ota**. Together with the conclusion on novelty noted above, amended claim 1 is patentable over **Ota**.

In addition, amended claim 1 of the application is not obvious over the combined teachings in **Otomo**, **Matsuishi** and **Ota**. The Examiner admits in this Office Action at item 7, line 5 that **Otomo** and **Matsuishi** "fail to disclose a release layer." However, the Examiner asserts that it would have been obvious for one having ordinary skill in the art to incorporate the "release layer" of **Ota** in between the "substrate" and the "recording layer" of the medium of **Otomo** in view of **Matsuishi**. The Examiner further argues that an additional motivation to combine the references is that paragraph [0021] in **Ota** teaches that the release layer provides an "extra level of security" when information of the optical disc can be completely destroyed.

Applicants respectfully disagree with the Examiner because paragraph [0021] in **Ota** focuses on separating the "metal" in the "reflective layer" from the rest of the optical disk recording medium. In addition, paragraph [0021] in **Ota** does not teach or suggest a method, or a need to separate the "substrate" and the "recording layer." Therefore, one having ordinary skill in the art would not have been prompted by the teachings in **Otomo**, **Matsuishi** and **Ota** to arrive at the invention according to amended claim 1 of the application. The lack of teachings and suggestions in **Ota** with regard to the location of the "release layer" could not have overcome the absence of a "release layer in the combined teaching in **Otomo** and **Matsuishi**.

Therefore, amended claim 1 is not obvious over **Otomo**, **Matsuishi** and **Ota** combined. Together with the conclusion on novelty noted above, amended claim 1 is patentable over **Otomo**, **Matsui** and **Ota**.

The rejection of claim 1 under 35 U.S.C. §102(b) should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

(A) Claim 3

In this Office Action, at item 5, claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over **Otomo**.

As noted above, independent amended claim 1 of the application has been shown to be not obvious over **Otomo**. Therefore, claim 3, which is dependent from amended claim 1 should not be obvious over **Otomo**.

Applicants request that rejection of claim 3 under 35 U.S.C. §103 be withdrawn.

(B) Claims 2 and 4

In this Office Action, at item 6, claims 2 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Otomo** in view of **Matsuishi et al.** (U.S. 5,972,457) ("**Matsuishi**")

The Examiner asserts that **Otomo** teaches a substrate of biodegradable material but admits that **Otomo** fails to teach a "printing layer" on the opposite side of the substrate. The Examiner argues that **Matsuishi** teaches a printable optical recording medium in which a "link-receiving layer" may be combined with the base material layer. Then the Examiner concludes that it would have been obvious to one having ordinary skill in the art to use the protective layer and ink-receiving layers in **Matsuishi** in the optical disc of **Otomo**. Applicants respectfully disagree with the Examiner, especially in light of this Amendment.

With this Amendment, the subject matter in canceled claim 6 is now added to amended claim 2. As a result, amended claim 2 now also recites a "release layer" that is between the "substrate" and the "printing layer." This amendment is supported by the description in the specification, for example, in paragraphs such as those from page 16, lines 11-19 of the originally filed application. One of the purposes of the release layer is to allow the "substrate," the "recording layer" and the "printing layer" to be separated from each other, thereby allowing

disposal according to the material of each layer and making it possible to reduce the effects on the environment (Application, page 21, lines 17-21).

Otomo does not teach or suggest any “release layer” as recited in amended claim 2 of the application. Therefore, one having ordinary skill in the art would not have been prompted by the teachings in **Otomo** to add a “release layer” to the optical recording media in order to arrive at the invention according to amended claim 2 of the application. Therefore, amended claim 2 is not obvious over **Otomo**.

Matsuishi does not teach or suggest any “release layer” as recited in amended claim 2 of the invention. **Matsuishi** only teaches about the disposing of the “protective layer” either (a) by combining it with the “ink-receiving layer” or (b) by combining it with another “protective layer” (**Matsuishi**, column 19, lines 49-63). However, **Matsuishi** is silent about the use of a “release layer” to potentially achieve separating different layers. Therefore, one having ordinary skill in the art would not have been prompted by the teachings in **Matsuishi** to add a “release layer” to the printable optical recording medium in order to arrive at the invention according to amended claim 2 of the application. Therefore, amended claim 1 is not obvious over **Matsuishi**.

In addition, amended claim 2 of the application is not obvious over the combined teachings in **Otomo** and **Matsuishi**. One having ordinary skill in the art would not have been prompted by the teachings in **Otomo** and **Matsuishi** to add a “release layer” in between the “substrate” and the “printing layer” as recited in amended claim 2 of the application. Therefore, amended claim 2 is not obvious over **Otomo** and **Matsuishi**, individually or as a combination.

Furthermore, amended claim 2 is not obvious over the combined teachings in **Otomo**, **Matsuishi** and **Ota**.

Ota does not teach or suggest any “release layer” between the “substrate” and the “printing layer” as recited in amended claim 2. As noted above, **Ota** only teaches a film for exfoliation between the “recording layer” and the “reflecting layer,” a “peeling operation hole” (component 7), an “instrument” (component 8) and the separation of the metal in the “reflective layer” from the rest of the optical disk recording medium.

One having ordinary skill in the art would not have been prompted by the combined teachings of **Otomo**, **Matsuishi** and **Ota** to arrive at the invention of amended claim 2 of the application. The lack of teachings and suggestions in **Ota** with regard to the location of the “release layer” as recited in amended claim 2 could not have overcome the absence of the teachings of a “release layer” in **Otomo** and **Matsuishi**.

Therefore, amended claim 2 is not obvious over **Otomo, Matsuishi** and **Ota**, individually or as a combination. Because claim 4 is dependent from amended claim 2, claim 4 should also be not obvious over **Otomo, Matsuishi** and **Ota**, individually or as a combination.

The rejection of claims 2 and 4 under 35 U.S.C. §103 should be withdrawn.

(C) Claims 5 and 6

In this Office Action at item 7, claims 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Otomo, Matsuishi** and **Ota**.

With this Amendment, claims 5 and 6 have been canceled. The subject matter in cancelled claim 5 is now in amended claim 1. Also, the subject matter in cancelled claim 6 is now in amended claim 2.

The patentability of the subject matters of cancelled claims 5 and 6 over **Otomo, Matsuishi** and **Ota** has been discussed under amended claims 1 and 2, respectively.

Applicants request that the rejection of claims 5 and 6 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 17, 2009

By: David K. Ho
David K. Ho
Registration No. 53,025

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

SUPPLEMENT A

Japanese Version of Ota (2000-030302)

(19)日本国特許庁 (J P)

(12) 公 開 特 許 公 報 (A)

(11)特許出願公開番号

特開2000-30302

(P2000-30302A)

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(71)出願人 000197366

静岡日本電気株式会社

静岡県掛川市下俣800番地

(72)発明者 太田 光俊

静岡県掛川市下俣4番2 静岡日本電気株式会社内

(74)代理人 100075306

弁理士 菅野 中

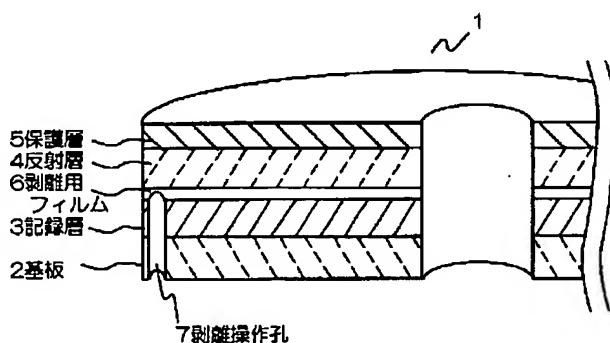
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(54)【発明の名称】 光ディスク記録媒体

(57)【要約】

【課題】 機密データを破壊して光ディスク記録媒体を廃棄処分する。

【解決手段】 基板2と記録層3と、剥離用フィルム6と、反射層4と、保護層5との積層を有する光ディスク記録媒体1である。光ディスク記録媒体1の外周一部には、基板2及び記録層3を貫通して剥離用フィルム6に達する剥離操作孔7が開口されている。機密データが記録された光ディスク記録媒体1を廃棄するときには、剥離操作孔7内に針金又は細い棒を挿し込み、剥離用フィルム6を突き上げて記録層3から引き剥がし、反射層4を保護層5とともに、基板2の記録層3から分離する。



【特許請求の範囲】

【請求項1】 剥離用フィルムを有する光ディスク記録媒体であって、

光ディスク記録媒体は、基板上に記録層と、反射層と保護層との積層を有し、

剥離用フィルムは、記録層と反射層との間に介装され、記録層と反射層とを接着し、外力が加えられたときに反射層を保護層とともに、記録層から剥離させるものであることを特徴とする光ディスク記録媒体。

【請求項2】 剥離用フィルムは、実質的に反射層と同等の反射率を有するものであることを特徴とする請求項1に記載の光ディスク記録媒体。

【請求項3】 剥離用フィルムは、両面粘着フィルムであり、記録層と反射層とは、剥離用フィルムの一面と他面とに接着されたものであることを特徴とする請求項1に記載の光ディスク記録媒体。

【請求項4】 剥離操作孔を有し、剥離操作孔は、基板から記録層を貫通して記録層上に接着された剥離用フィルムに達する小孔であり、剥離用フィルムは、剥離操作孔に挿し込まれた器具類の先端に押圧されて記録層から引き剥がされるものであることを特徴とする請求項1に記載の光ディスク記録媒体。

【請求項5】 剥離用フィルムは、記録層の全面を覆い、記録層のデータ記録面を保護する機能をあわせて有するものであることを特徴とする請求項1に記載の光ディスク記録媒体。

【発明の詳細な説明】

【0001】

【発明の属する技術分野】本発明は、CD-Rメディアなどの光ディスク記録媒体に関し、特に書き込み済の不要機密データを簡易に廃棄可能とした光ディスク記録媒体に関する。

【0002】

【従来の技術】CD-Rは、ディスクの面上に光を照射してディスクに情報を記録し、あるいはディスクのデータ面から情報を読み出す情報記録媒体である。このような記録媒体は、基板と、記録層と、反射層と、保護層との積層体であり、基板にはポリカーボネートのような合成樹脂が使用され、反射層には、金、銀、アルミニウムなどの金属が使用される。

【0003】

【発明が解決しようとする課題】ところで、不要となった機密データが書き込まれている光ディスク記録媒体を廃棄するときに、光ディスク記録媒体は、紙のようにシュレッダーにかけることができないため、書き込み済の不要な機密データの漏洩のおそれがある。また、廃棄処分に際し、光ディスク記録媒体を粉碎したのでは反射層に用いられた金属と、基板に用いられた合成樹脂とを分別処理することができないという問題がある。

【0004】もっとも、ポリカーボネート基板と、この基板上に形成されている反射層とを安全かつ容易に分離し、この基板を回収して再利用することにより資源の有効活用及び廃棄物の減少を図る試みが特開平9-193156号（樹脂の回収方法）（先行例1）に紹介されている。

【0005】この先行例1の方法は、要するに、樹脂（例えばポリカーボネート基板：以下同様）を主成分とする目的物（例えばポリカーボネート基板樹脂）を主成分とする目的物（例えばポリカーボネート基板）と被分離物（例えば紫外線硬化樹脂の保護層）とが金属層（例えばアルミニウム光反射層）を介して一体化され、この一体化物から前記被分離物を分離するに際し、前記一体化物を液体（例えばメタノール）で処理して前記被分離物を膨潤させて樹脂を回収するというものである。

【0006】この方法によるときには、被分離物が体積膨張し、被分離物は金属層を伴って目的物から剥離、分離され、目的物である樹脂を効果的に回収して再利用できる、という効果が強調されている。

【0007】しかしながら、この方法は、要するにコンパクトディスクを溶媒であるエタノール溶液などに浸漬し、被分離物が膨潤するまで放置する、というのであり、剥離するまでには長時間（6時間）を必要とする。このため、先行例1では、溶媒を加熱又は超音波照射下等で作用させると、一層効果が大きいと説明している。また、大量のCDを処理するには、処理設備として大容量の処理槽と、消耗品として大量の溶媒が必要である。

【0008】本発明の目的は、特別の設備や消耗品を必要とせずに金属部分と樹脂部分との分離が可能な光ディスク記録媒体を提供することにある。

【0009】

【課題を解決するための手段】上記目的を達成するため、本発明による光ディスク記録媒体においては、剥離用フィルムを有する光ディスク記録媒体であって、光ディスク記録媒体は、基板上に記録層と、反射層と保護層との積層を有し、剥離用フィルムは、記録層と反射層との間に介装され、記録層と反射層とを接着し、外力が加えられたときに反射層を保護層とともに、記録層から剥離させるものである。

【0010】また、剥離用フィルムは、実質的に反射層と同等の反射率を有するものである。

【0011】また、剥離用フィルムは、両面粘着フィルムであり、記録層と反射層とは、剥離用フィルムの一面と他面とに接着されたものである。

【0012】また、剥離操作孔を有し、剥離操作孔は、基板から記録層を貫通して記録層上に接着された剥離用フィルムに達する小孔であり、剥離用フィルムは、剥離操作孔に挿し込まれた器具類の先端に押圧されて記録層から引き剥がされるものである。

【0013】また、剥離用フィルムは、記録層の全面を

覆い、記録層のデータ記録面を保護する機能をあわせて有するものである。

【0014】

【発明の実施の形態】以下に本発明による光ディスク記録媒体の実施の形態を図によって説明する。図1において、光ディスク記録媒体1は、基板2と、記録層3と、反射層4と、保護層5との積層であり、本発明は、記録層3と、反射層4との間に剥離用フィルム6を介在させたものである。

【0015】基板2は、透明な合成樹脂、例えばポリカーボネート樹脂板である。記録層3は、コンパクトディスクでは、基板2の記録面に形成されたピットであり、光磁気ディスク又は相変化型光ディスクの場合には誘電体層と磁性層と誘電体層との3層の積層である。反射層4は、金、銀あるいはアルミニウム等の金属層であり、保護層5には紫外線硬化樹脂層である。

【0016】剥離用フィルム6は両面粘着フィルムであり、その一面を記録層3に貼付け、他面を反射層4に貼付けている。剥離用フィルム6には反射層4が有する反射率を損なわない材質、例えば基板と同じ材質のポリカーボネード樹脂による両面粘着フィルムを用いる。

【0017】本発明において、光ディスク記録媒体には、通常の光ディスク記録媒体と同様に扱ってデータを書き込むことができる。データ書き込み後、不要となった光ディスク記録媒体を廃棄するときには、その積層に外力を加えることによって反射層4を保護層とともに基板2の記録層3から引き剥がすことができる。

【0018】図2は、光ディスク記録媒体1の積層を反射層4と記録層3間で剥離するための剥離操作孔7を光ディスク記録媒体の外周部分に設けた例である。図2において、剥離操作孔7は、基板2から記録層3を貫通して剥離用フィルム6の一面に達する小孔である。

【0019】機密データが書き込まれた光ディスク記録媒体1を廃棄処分するときには、器具8、例えば針金、細い棒あるいはクリップを延ばしてその先端を剥離操作孔7内に挿し込み、基板2を保持したまま器具8の先端で剥離用フィルムを突き上げ、これを図3のように記録層3から剥がす。

【0020】剥離用フィルム6の一部が記録層3から引き剥がされて記録層3と反射層4との間に隙間ができれば、その隙間を手で開いて反射層4を保護層5とともに基板2と一体の記録層3から容易に分離することができる。

【0021】

【発明の効果】以上のように本発明によるときは、データが書き込まれた光ディスク記録媒体を廃棄するときには、光ディスク記録媒体の積層を、剥離用フィルムの面で分離することにより、書き込み済みの不要機密データを完全に破壊することができ、廃棄する際の機密データの漏洩を防ぐことができる。また光ディスク記録媒体は、合成樹脂を主体とする基板側と、金属を主体とする反射層側とに分離するため、合成樹脂と金属との分別廃棄並びに分別回収を容易に行うことができる。

【0022】また、光ディスク記録媒体の剥離、分離の作業は、簡単な器具類を使用して手作業で行うことができ、先行例1に示したようなアルコールのような液体は必要とせず、また、大量に廃棄処分するときにおいても自動化が可能であり、機械的に連続的に処理することができ、処理に長時間を必要としない。

【0023】さらに本発明によれば、記録層と反射層との間に剥離用フィルムを介在させるため、保護層に貼付けられたラベルに、ボールペンなどを用いて必要事項を記載する際に、筆圧が加えられても、記録層のデータ面は剥離用フィルムに保護されることになって、ラベル書き込み時のデータの破損、破壊を防止できる効果をあわせて有する。

【図面の簡単な説明】

【図1】本発明による光ディスク記録媒体の構成を示す図である。

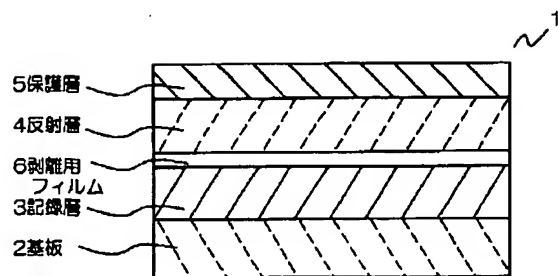
【図2】剥離操作孔を設けた実施形態を示す図である。

【図3】剥離の要領を示す図である。

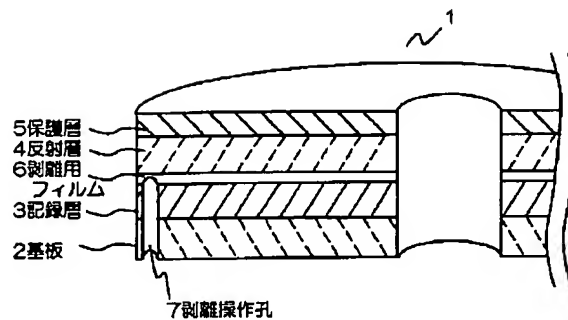
【符号の説明】

- 1 光ディスク記録媒体
- 2 基板
- 3 記録層
- 4 反射層
- 5 保護層
- 6 剥離用フィルム
- 7 剥離操作孔
- 8 器具

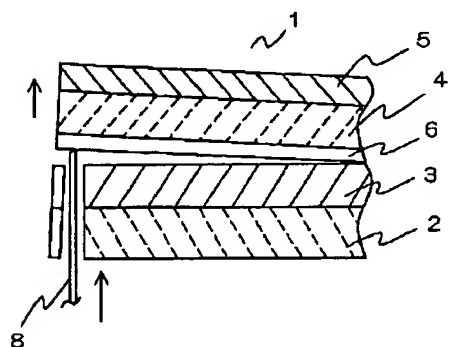
【図1】



【図2】



【図3】



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